

FILED

NOV 18 2015

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS OFFICE

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

JOSHUA LEWIS,)

Defendant.)

CRIMINAL NO. 15-30166-MJR

Title 29, United States Code
Section 439(b)

INDICTMENT

THE GRAND JURY CHARGES:

FALSIFIED LM-4 REPORT: MAKING A MATERIAL FALSE STATEMENT

1. At all times material to this Indictment, the Brotherhood of Maintenance of Way Employees Division (BMWED) Lodge 212 was a labor organization engaged in an industry affecting commerce and subject to the Labor Management Reporting and Disclosure Act of 1959, 29 U.S.C. § 401, et seq. At all times relevant, BMWED Lodge 212 was required to submit an annual accurate LM-4 Labor Organization Annual Report to the United States Department of Labor. The Form LM-4, Labor Organization Annual Report, discloses financial information (such as assets, liabilities, receipts and disbursements) about labor organizations which have total annual receipts of less than \$10,000. The report is required to be signed by the president and the treasurer under penalties of perjury.

2. **JOSHUA LEWIS** was the secretary-treasurer for the Brotherhood of Maintenance of Way Employees Division (BMWED) Lodge 212 from December 2011 until September 2012. As secretary-treasurer, he was responsible for all the financial transactions of the union, including depositing the quarterly receipt checks from the BMWED parent. During the time that **LEWIS** served as Treasurer he converted to his

own use, without authority, union funds in excess of \$3,000. The submission of the false annual financial report concealed the funds **LEWIS** converted from the union.

3. That on or about September 20, 2013, in and affecting St. Clair and Randolph Counties, within the Southern District of Illinois, and in the Eastern District of Missouri,

JOSHUA LEWIS,

the defendant herein, did make a false statement and representation of material fact knowing it to be false in a report and document required to be filed by BMWED Lodge 212 with the Secretary of Labor pursuant to Section 431 of Title 29, United States Code, that is, the annual financial report form LM-4 for the union's fiscal year ending on March, 2013. The report falsely reported the total amount of payments to officers as zero, when, in fact, **LEWIS** had received and failed to disclose his receipt of union funds.

All in violation of Title 29, United States Code, Section 439(b).

A TRUE BILL



STEPHEN R. WIGGINTON
United States Attorney
Southern District of Illinois



NORMAN R. SMITH
Assistant United States Attorney

Recommended bond: \$5,000 unsecured.